

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAMIEN ALEXANDER PHILLIPS,
Plaintiff,
v.
STATE OF NEVADA, et al.,
Defendants.

Case No.: 2:24-cv-02237-RFB-MDC

ORDER
(ECF No. 1)

On December 3, 2024, pro se plaintiff Damien Alexander Phillips, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff wrote out a handwritten application, rather than using this court's approved form, and Plaintiff's financial certificate and inmate trust fund account statement for the previous six-month period are both from May 2024, more than six months before Plaintiff initiated this case.**

Plaintiff must use this court's approved form to file an application to proceed *in forma pauperis*. Plaintiff also must file a current financial certificate and a current account statement for the previous six-month period. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by February 4, 2025.**

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate

1 must submit **all three** of the following documents to the Court: (1) a completed
2 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the
3 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a
4 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is
5 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
6 **inmate's prison or jail trust fund account statement for the previous six-month**
7 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
8 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
9 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

10 As explained above, Plaintiff's application to proceed *in forma pauperis* is
11 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
12 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
13 fee or file a new fully complete application to proceed *in forma pauperis* with all three
14 required documents.

15 **II. CONCLUSION**

16 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
17 is denied without prejudice.

18 It is further ordered that Plaintiff has **until February 4, 2025**, to either pay the full
19 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with
20 all three required documents: (1) a completed application with the inmate's two signatures
21 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
22 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
23 previous six-month period.

24 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
25 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
26 to refile the case with the Court, under a new case number, when Plaintiff can file a
27 complete application to proceed *in forma pauperis* or pay the required filing fee.

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1 The Clerk of the Court is directed to send Plaintiff Damien Alexander Phillips the
2 approved form application to proceed *in forma pauperis* for an inmate and instructions for
3 the same and retain the complaint (ECF No. 1-1) but not file it at this time.

4 DATED THIS 9th day of December 2024.

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8 Hon. Maximiliano D. Couvillier III
UNITED STATES MAGISTRATE JUDGE
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